

**Notice of Allowability**

Application No.

09/973,690

Examiner

Peter Vincent Agustin

Applicant(s)

YOKOKAWA, TSUYOSHI

Art Unit

2652

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated July 6, 2004.
2. ☒ The allowed claim(s) is/are 25-32, now renumbered 1-8, respectively.
3. ☒ The drawings filed on 11 October 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Examiner's Amendment*

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 25, line 14: "the instruction" has been changed to --the instruction from said instruction recognition means--.

Claim 26, line 9: "the instruction" has been changed to --said instruction which specifies a data erasing area--.

Claim 27, line 14: "the instruction" has been changed to --the instruction from said instruction recognition means--.

Claim 28, line 1: "defined in Claim 25" has been changed to --defined in Claim 27--.

Claim 28, line 9: "the instruction" has been changed to --said instruction which specifies a data erasing area--.

Claim 29, line 9: "the instruction" has been changed to --the instruction from the recognizing step--.

Claim 30, line 7: "the instruction" has been changed to --said instruction which specifies a data erasing area--.

Claim 31, line 9: "the instruction" has been changed to --the instruction from the recognizing step--.

Claim 32, line 7: "the instruction" has been changed to --said instruction which specifies a data erasing area--.

*Allowable Subject Matter*

2. Claims 25-32, now renumbered 1-8, respectively, are allowed over the prior art of record.
3. The following is an examiner's statement of reasons for allowance:
4. The prior art of record fails to teach or suggest:

In claims 25 & 27, an optical disk data erasing apparatus comprising: a judgement means for judging whether or not a loaded optical disk is a write-once optical disk, a disk recording information acquisition means for acquiring disk recording information relating to a data-recorded area or a data-unrecorded area of the write-once optical disk, a determination means for determining whether or not data are recorded on the write-once optical disk based on the disk recording information obtained by said disk recording information acquisition means; and an erasing means for executing a data erasing process, wherein said erasing means overwrites the optical disk when said determination means determines data are not recorded on the write-once optical disk, said determination means returns an error signal to the host computer to notify a user that the data erasing process has not been executed.

In claims 29 & 31, an optical disk data erasing method comprising: judging whether or not a loaded optical disk is a write-once optical disk, acquiring disk recording information relating to a data-recorded area or a data-unrecorded area of the write-once optical disk, determining whether or not data are recorded on the write-once optical disk based on the disk recording information obtained by said acquiring operation, overwriting the optical disk using a data erasing process, and when said determining operation determines data are not recorded on

Art Unit: 2652

the optical disk, said determining operation returns an error signal to the host computer to notify the user that the data erasing process has not been executed.

Claims 26, 28, 30 & 32 are dependent upon allowed base claims.


5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Vincent Agustin whose telephone number is 703-305-8980. The examiner can normally be reached on Monday-Friday 9:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on 703-305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Vincent Agustin  
Art Unit 2652  
July 30, 2004

  
HOA T. NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600  
8/16/04

Best Available Copy